

AN ORDINANCE

**99474**

**ADOPTING THE FOLLOWING WASTEWATER IMPACT FEES FOR THE FAR WEST AREA: \$1,738.00 PER SERVICE UNIT FOR THE MEDIO CREEK WATER SHED, \$1,972.00 PER SERVICE UNIT FOR THE POTRANCA CREEK WATER SHED AND \$1,929.00 PER SERVICE UNIT FOR THE BIG SOUS AND LUCAS CREEK WATER SHEDS; AND REAFFIRMING THE ADOPTION OF THE LAND USE ASSUMPTIONS AND CAPITAL IMPROVEMENTS PLANS RELATED TO THESE IMPACT FEES.**

\* \* \* \* \*

**WHEREAS**, impact fees imposed by the San Antonio Water System (SAWS) with the City Council's approval are a one-time charge assessed on new development to help recover capital costs associated with providing the infrastructure and other improvements required to provide water and/or sewer service to that new development, thereby relieving existing SAWS ratepayers from substantially funding capital costs associated with providing service to new development; and

**WHEREAS**, Chapter 395 of the Local Government Code establishes the requirements and process that must be followed if a municipality is to assess and collect impact fees, including: the establishment of a Capital Improvements Advisory Committee to advise on the development and implementation of impact fees; the development of a Land Use Assumptions Plan that forecasts demand within the service area for a ten-year planning period; an analysis of the existing capacity of water and wastewater systems; and the preparation of a capital improvements plan that determines the infrastructure necessary to serve the projected demand; and

**WHEREAS**, a group of developers who are interested in developing an area known as the Far West area approached SAWS (collectively referred to as the Parties,) regarding the inadequacy of the wastewater infrastructure in the area to accommodate growth; and

**WHEREAS**, the Far West area is generally located west of Loop 410 to the county line, and south of Highway 151 to the area around Highway 90, and is depicted on the map affixed to this Ordinance as Attachment A; and

**WHEREAS**, the Parties have developed a plan for the Far West area that would best serve SAWS, the property owners and future development which may include the adoption and assessment of special impacts fees for the area, which either the subject developers or customers must pay in order to fund construction of the required infrastructure; and

**WHEREAS**, SAWS staff worked with the development community, school districts, City of San Antonio, engineers, and other organizations to develop the Land Use Assumptions Plan, which projects wastewater demand growth for all of Bexar County and focuses on the Far West area; and

**WHEREAS**, research indicates that growth throughout the SAWS service area will occur at the historical rate of about 2% per year and that growth is anticipated to be about 6% per year in the Far West area; and

**WHEREAS**, using the growth projected in the Land Use Assumptions Plan, SAWS staff, with assistance from developers and engineers, developed a Capital Improvements Plan that identifies the necessary infrastructure required to serve the new demand which includes a series of trunk lines, lift stations, force mains, and improvements to the Medio Creek Water Recycling Center, at an estimated total cost of \$47.9 million; and

**WHEREAS**, the Land Use Assumptions and Capital Improvements Plans were developed and calculated in accordance with Chapter 395 of the Local Government Code, and approved by the City Council on June 3, 2004, (after the recommendation) of the Capital Improvement Advisory Committee, the San Antonio Water System Board of Trustees, and the Planning Commission; and

**WHEREAS**, the Capital Improvement Advisory Committee filed its written comments with the City Clerk's Office on July 13, 2004 on the proposed Plans and Fees; and

**WHEREAS**, pursuant to Chapter 395 of the Local Government Code, a notice of a public hearing to consider the approval of possible impact fees was published in the San Antonio Express News on June 6, 2004; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The following Wastewater Impact Fees for the Far West area: \$1,738.00 per service unit for the Medio Creek Water Shed, \$1,972.00 per service unit for the Potranca Creek Water Shed and \$1,929.00 per service unit for the Big Saus and Lucas Creek Water Sheds, are hereby approved. These new fees replace the existing outer service area fees assessed in the Far West Area. In addition, the adoption of Land Use Assumptions and Capital Improvements Plans associated with the Far West Impact Fees on June 3, 2004 is hereby reaffirmed. Copies of those plans, including, the impact fees, are attached hereto and incorporated herein as Attachment B.

**SECTION 2.** All funds collected through the adoption of the Far West Impact Fees shall be deposited by SAWS in interest-bearing accounts clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted. The interest earned on these accounts shall be considered funds of the account on which it is earned, and subject to all restrictions placed on use of impact fees under Chapter 395 of the Local Government Code. Impact Fee funds may be spent only for the purposes for which the Impact Fee was imposed as shown by the Capital Improvements Plan and as authorized by Chapter 395. The records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.

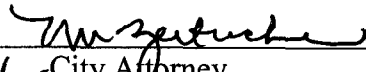
**SECTION 3.** If any part, section, paragraph, sentence, phrase or word of this Ordinance is for any reason held to be unconstitutional, illegal, inoperative or invalid, or if any exception to or limitation upon any general provision herein contained is held to be unconstitutional, illegal, invalid or ineffective, the remainder of this Ordinance shall nevertheless stand effective and valid as if it had been enacted without the portion held to be unconstitutional, illegal, invalid or ineffective.

**SECTION 4.** This Ordinance shall become effective on the tenth (10<sup>th</sup>) day after the date of passage hereof.

**PASSED AND APPROVED** this 22<sup>nd</sup> day of July, 2004.

**ATTEST:**   
City Clerk

  
M A Y O R  
EDWARD D. GARZA

**APPROVED:**   
for City Attorney